IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

TUESDAY, THE 25TH JULY 2006 / 3RD SRAVANA 1928

Bail Appl..No. 4428 of 2006

CMP.864/2006 of J.M.F.C.-II, SULTHANBATHERY
(CRIME NO.51/2006 OF SULTHANBATHERY EXCISE RANGE)

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PETITIONER/ACCUSED:

K.S. DAMODARAN, S/O. SRIDHARAN,
KANNANKUNNEL HOUSE, VEETTIMOOLA BHAGAM
BHOOTHANAM POST, PULPALLY.

BY ADV. SRI.LALGI P.THOMAS
SRI.S.SANTOSH KUMAR (PERUNAD)

RESPONDENTS: COMPLAINANT:

STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR P.N. SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 25/07/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M.JAMES, J.

B.A. 4428/2006

DATED THIS THE 25TH DAY OF JULY, 2006

O R D E R

The petitioner was arrested on 11.6.2006 at 8.15 p.m., with 240 packets of Karnataka made arrack, each packet containing 100 ml, by the Inspector of Excise Range, Sulthan Bathery, who registered C.R.No.51/2006 of that Excise Range, under Section 8(1) & 8(2) of the Abkari Act. The petitioner remains in judicial custody thereafter. Hence this application, under Section 439 Cr.P.C.

2. After hearing both sides and considering the fact that no other case is registered against the petitioner, under the Abkari Act, and the investigation is nearly complete, I grant bail and release the petitioner from jail, subject to the following conditions:-

(a). The petitioner shall execute a bond for Rs.25,000/-, with two solvent

sureties, each for the like sum, to the satisfaction of the Judicial Magistrate of First Class-II, Sulthan Bathery.

(b). The petitioner shall report before the investigating officer, once in a week, on every Saturday, between 10.00 a.m and 11.00 a.m., for a period of two months, starting from 29.7.2006.

The application is allowed as above.

J.M.JAMES
JUDGE

mrcs